

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	1

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred Senate Bill 172, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 9-30-5-5, AS AMENDED BY P.L.175-2001,
- 3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2003]: Sec. 5. (a) A person who causes the death of another
- 5 person when operating a motor vehicle ~~(1) with an alcohol~~
- 6 ~~concentration equivalent to at least eight-hundredths (0.08) gram of~~
- 7 ~~alcohol per: (A) one hundred (100) milliliters of the person's blood; or~~
- 8 ~~(B) two hundred ten (210) liters of the person's breath; (2) with a~~
- 9 ~~controlled substance listed in schedule I or II of IC 35-48-2 or its~~
- 10 ~~metabolite in the person's body or (3) while intoxicated;~~ commits a
- 11 Class C felony. However, the offense is a Class B felony if, within the
- 12 five (5) years preceding the commission of the offense, the person had
- 13 a prior unrelated conviction under this chapter.
- 14 **(b) A person who causes the death of another person when**

1 **operating a motor vehicle:**
2 **(1) with an alcohol concentration equivalent to at least**
3 **eight-hundredths (0.08) gram of alcohol per:**
4 **(A) one hundred (100) milliliters of the person's blood; or**
5 **(B) two hundred ten (210) liters of the person's breath; or**
6 **(2) while intoxicated;**
7 **commits a Class B felony.**
8 ~~(b)~~ **(c)** A person who violates subsection (a) **or (b)** commits a
9 separate offense for each person whose death is caused by the violation
10 of subsection (a) **or (b).**
11 ~~(c)~~ **(d)** It is a defense under subsection ~~(a)(2)~~ **(a)** that the accused
12 person consumed the controlled substance under a valid prescription
13 or order of a practitioner (as defined in IC 35-48-1) who acted in the
14 course of the practitioner's professional practice.
15 SECTION 2. [EFFECTIVE JULY 1, 2003] **IC 9-30-5-5, as**
16 **amended by this act, applies only to offenses committed after June**
17 **30, 2003.**

(Reference is to SB 172 as reprinted February 14, 2003.)

and when so amended that said bill do pass.

Representative Weinzapfel